

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl G. Wood, General Counsel

DATE: December 9, 2010

SUBJECT: Action Required

Authorization to file suit—

Welcome Holdings, LLC and all other appropriate parties – Civil Enforcement Action for a Portion of Property Located at Section 11, Township 24, Range 29, Orlando, Orange County, Florida

Background

This is a request to file a lawsuit in an effort to resolve the operation and maintenance of “works” without an environmental resource permit (“ERP”) at property located at 750 Central Florida Parkway, Orlando, Florida. Welcome Holdings, LLC, constructed buildings, paved a parking lot, and installed infrastructure without obtaining an ERP from the District. Most importantly, Welcome Holdings, LLC failed to construct a storm water pond in order to accommodate the increased impervious surface area.

How this helps meet the District’s 10 year Strategic Plan

This effort directly supports the District’s land resources mission.

Funding Source

Litigation will be handled by the District’s Office of Counsel. Any costs associated with this litigation will be paid from budgeted ad valorem funds.

This Board item impacts what areas of the District, both resource areas and geography?

This item is located in Orange County and impacts water quality and surface water management, affecting the District’s water quality and flood protection responsibilities.

What concerns could this Board item raise?

If this matter is not resolved the unauthorized and unpermitted works and adverse impacts could continue. The District is also concerned that the water leaving the property is not meeting water quality standards and the unauthorized works presently existing at the site do not meet permitting criteria. Office of Counsel desires a resolution that results in Welcome Holdings, LLC obtaining an environmental resource permit. If Welcome Holdings, LLC refuses to obtain an ERP, the District may have no recourse other than to seek an injunction from the Court.

Why should the Governing Board approve this item?

The Governing Board should approve this item to resolve the violations located on the subject property and take appropriate action against all responsible parties.

If you have any questions, please do not hesitate to call me at extension 6976.

SGW/jb